



July 8, 2020

Hon. Rachel P Kovner  
United States District Court  
Eastern District of New York  
225 Cadman Plaza E  
Brooklyn New York 11201

RE: *Whitaker et al. v. BBF Partners, LLC et al.*  
Case No. 1:20-cv-02831-RPK-RML

Dear Judge Kovner,

This firm represents BBF Partners, LLC Day to Day Funding, LLC and Rapid Cap, Inc. (collectively “Defendants”) in the aforementioned action.

On Tuesday June 30, 2020 and Wednesday July 1, 2020, we appeared along with several attorneys for the Plaintiffs in this matter, for a telephonic conference with Your Honor regarding the Plaintiffs’ request for a preliminary injunction pending the outcome of their Motion filed by Order to Show Cause.

Notably, on these calls Your Honor requested and Plaintiffs’ counsel agreed to submit an Order to Your Honor for signature laying out the “consented TRO” that was discussed. In the first instance, the Court directed that the Plaintiffs continue to make the daily payments to the Plaintiffs in accordance with the various underlying agreements, in to a Third-Party Escrow Account. Until such escrow account was to be located and agreed upon, the Court directed that the Plaintiffs make the daily payments in to the escrow account of their local Attorneys Calgani & Kanefsky LLP.

However, although a full week has passed since these conferences, the Plaintiffs have failed to comply with a single directive from this Court. Counsel for the Plaintiffs continues to refuse to confirm, or deny whether or not payments are being made to their escrow account, and we have by no means come to an agreement regarding a third party escrow company, as none were ever proffered to counsel for Defendants.

Moreover, Counsel for the Plaintiffs have failed to submit an order to Your Honor in accordance with the consented TRO. Although, a Draft Order has been requested by counsel for Defendants on no less than three occasions, all requests have been ignored.

Due to Plaintiffs’ failure to comply with the Court’s directive, and their failure to inform us when they will begin to be in compliance with the Court’s directive, we felt we were left with no choice but to inform the Court of their willful disregard of the Courts Order.

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Based on the foregoing, it is respectfully requested that the Court deny Plaintiffs' application for the Preliminary Injunction.

We thank the Court for Your Honor's time and consideration with regards to this matter. If there are any questions or comments please do not hesitate to contact the undersigned at your convenience.

Sincerely,

*Ariel Bouskila*

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